COPYRIGHT DURATION AND RENEWAL GUIDE

START

No

is work fixed?

Yes

created 1/1/1978 or later?

Yes

§ 302

life + 70 years or 95/120-year rule for works with no identified author or works made for hire

No

same as § 302 but minimum of 25 years (to 12/31/2002) and if published before 12/31/2002, then 70 years (to 12/31/2047)

No

was work published?

Yes

§ 303

No

§ 304

result depends on when the work was published & copyrighted.

Yes

§ 304(a)

12/31/1922 or earlier? (© expired before CTEA)

1/1/1923–12/31/1949? (in 2nd term on 1/1/1978)


§ 304(b)

© runs through end of renewal term (28 years)

No

protected, if at all, only under non-© law

No

formalities observed?

§ 304

Yes

1/1/1923–12/31/1949? (in 2nd term on 1/1/1978)


first term ended before 1/1/1992?

Was © renewed?

Yes

Automatic Renewal

No

renewal term (28 years + 39-year dividend) (total 95 years)

No

yes

+ 19-year dividend (total 75 years)

+ 39-year dividend (total 95 years)

in force in 1998? (CTEA)

Yes

No

But if © was not renewed after 1st term . . .

finish out renewal term (28 years)

PUBLIC DOMAIN

This diagram avoids or oversimplifies some issues. Although intended for educational use, it is not a substitute for careful study of the actual statutory text or assigned course readings. It does not constitute legal advice.

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